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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,941	12/01/2003	Karin Spalink	9314-50	3269
54414 7590 07/30/2007 MYERS BIGEL SIBLEY & SAJOVEC, P.A. P.O. BOX 37428 RALEIGH, NC 27627			EXAMINER VU, THANH T	
			ART UNIT 2174	PAPER NUMBER
			MAIL DATE 07/30/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/724,941	Applicant(s) SPALINK ET AL.	
	Examiner Thanh T. Vu	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 16-25 and 31-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 16-25, and 31-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :12/01/2003; 04/29/2005; 09/09/2005;03/30/2007.

### **DETAILED ACTION**

Applicant's election without traverse of Group I in the reply filed on 07/16/2007 is acknowledged.

This communication is responsive to Amendment, filed 07/16/2007.

Claims 1-10, 16-25, and 31-40 are pending in this application. In the Amendment, claims 11-15, 26-30, and 41-46 were cancelled.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 31-40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 31-40 are not limited to tangible embodiments. In view of Applicant's disclosure, the specification page 5, lines 1-16, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g. a storage medium) and intangible embodiments (e.g., propagated signal). A signal, a form of energy, does not fall within either of the two definitions of manufacture. Thus, a signal does not fall within one of the four statutory classes of 101. As such, the claims are not limited to statutory subject matter.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 6-10, 16-17, 21-25, 31-32, and 36-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Arcuri et al. ("Arcuri", U.S. Pat. No. 6,121,968).

Per claim 1, Arcuri teaches a method of managing display of menu items on a display of an electronic device, the method comprising:

defining first and second menus comprising respective first and second groups of menu items (figs. 2A and 2B; *first menu 100, and second menu 110*), wherein the first group of menu items is a subset of the second group of menu items (see, figs. 2A and 2B; col. 8, lines 10-35; *the first group of menu items in menu 100 is a subset of the second group of menu items in menu 110*).

transitioning from display of the first menu to display of the second menu responsive to user activation of a menu expansion function (figs. 2A and 2B; col. 8, lines 25-30 and col. 11, lines 38-42; *user can expand the short menu 100 to long menu 110 manually*).

Per claim 2, Arcuri teaches a method according to Claim 1: wherein the first menu comprises a menu expansion function menu item (fig. 2A; *expansion function menu item 119*); and wherein transitioning from display of the first menu to display of the second menu comprises transitioning from display of the first menu to display of the second menu responsive to user selection of the menu expansion function menu item (figs. 2A and 2B; col. 8, lines 25-30 and col. 11, lines 38-42; *user can expand the short menu 100 to long menu 110 by selecting element 119*).

Per claim 6, Arcuri teaches a method according to Claim 1, wherein defining first and second menus comprises assigning a menu item to the first menu or the second menu responsive

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to a user input (col. 7, lines 39-50; col. 12, lines 20-28; col. 14, lines 19-27; *short menu are personalized based on user usage behavior (i.e. a user input).*

Per claim 7, Arcuri teaches a method according to Claim 6, wherein defining first and second menus comprises assigning a menu item to the first menu or the second menu responsive to frequency of usage of a function corresponding to the menu item (col. 7, lines 39-50; col. 12, lines 20-28; col. 14, lines 19-27; *short menu are personalized based on user usage patterns).*

Per claim 8, Arcuri teaches a method according to Claim 1, wherein the first group of menu items have the same arrangement with respect to one another in the first and second menus (see figs. 2A and 2B; *menu items are in the same order with respect to one another in the short menu 100 and in the long menu 110).*

Per claim 9, Arcuri teaches a method according to Claim 1, wherein the menu items comprise at least one of graphic icons and text (see figs. 2A and 2B; *which shows menu items comprises at least one of graphic icons and text).*

Per claim 10, Arcuri teaches a method according to Claim 1, wherein the electronic device comprises a portable electronic device (col. 6, lines 1-3; *hand-held device).*

Claim 16 is rejected under the same rationale as claim 1. Arcuri further teaches an electronic device comprising a display (fig. 1; *display 47*); a user input device (fig. 1; *mouse 42 and keyboard 40*); and a processor (fig. 1; *processing unit 21*).

Claims 17, and 21-24 are rejected under the same rationale as claims 2, and 6-9 respectively.

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Per claim 25, Arcuri teaches a device according to claim 16, wherein the user input device comprises at least one of a key, a trackpointer, touchpad, a joystick and a touchscreen (see fig. 1; a key: keyboard 40; a trackpointer: mouse 42).

Claims 31-32, and 36-40 are rejected under the same rationale as claims 1-2, and 6-10 respectively.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 18, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arcuri et al. ("Arcuri", U.S. Pat. No. 6,121,968) and Arcuri et al. ("Arcuri", U.S. Pat. No. 6,232,972).

Per claim 3, Arcuri '968 teaches a method according to Claim 1, but does not teach wherein the first menu comprises a first array of icons having a first number of rows and a first number of columns; and wherein the second menu comprises a second array of icons having a second number of rows and a second number of columns, wherein the second number of rows is greater than the first number of rows and/or the second number of columns is greater than the first number of columns. However, Arcuri '972 teaches a first menu comprises a first array of icons having a first number of rows and a first number of columns (see fig. 2b; *array of icons 200 having a first number of rows and a first number of columns*); and a second menu comprises a second array of icons having a second number of rows and a second number of columns,

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wherein the second number of rows is greater than the first number of rows and/or the second number of columns is greater than the first number of columns (see fig. 2C; col. 7, lines 49-58; *second array of icons 215 having a second number of rows and a second number of columns, wherein the second number of rows is greater than the first number of rows and/or the second number of columns is greater than the first number of columns.*) Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include icon view having drop-off display well as taught by Arcuri '972 in the invention of Arcuri '968 in order to provide the user with a visual cue for menu items by utilizing iconic view for menu items.

Claim 18 is rejected under the same rationale as claims 3.

Claim 33 is rejected under the same rationale as claims 3.

Claims 4-5, 19-20 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arcuri et al. ("Arcuri", U.S. Pat. No. 6,121,968) and Arcuri et al. ("Arcuri", U.S. Pat. No. 6,278,450).

Per claim 4, Arcuri '968 teaches a method according to Claim 1 having an expansion menu item 119 in order to show a long menu (see fig. 2A; col. 11, lines 38-42), but does not teach wherein the method further comprises transitioning from display of the second menu to display of the first menu responsive to user activation of a menu reduction function. However, Arcuri '450 teaches the method further comprises transitioning from display of the second menu to display of the first menu responsive to user activation of a menu reduction function (fig. 2b,; col. 4, lines 45-55; *show/Hide button 243 allows a user to show/ hide menu 240. Thus, transitioning the display from menu 240 to menu 242*). Therefore, it would have been obvious to



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one of ordinary skill in the art at the time of the invention to include an reduction option (i.e. hiding option) as taught by Arcuri '450 in the invention of Arcuri '968 in order to provide the user with a reduction option in menu 110 of fig. 2B, which allows the user to manually hide the display of the menu to prevent screen cluster.

Per claim 5, Arcuri teaches a method according to Claim 4, wherein the second menu comprises a menu reduction function menu item (figs. 2b; *show/hide button 243*), and wherein transitioning from display of the second menu to display of the first menu comprises transitioning from display of the second menu to display of the first menu responsive to user selection of the menu reduction function menu item (fig. 2b; col. 4, lines 45-55; *show/Hide button 243 allows a user to show/ hide menu 240. Thus, transitioning the display from menu 240 to menu 242*).

Claims 19-20 are rejected under the same rationale as claims 4-5 respectively.

Claims 34-35 are rejected under the same rationale as claims 4-5 respectively.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Singh et al. (U.S. Pat. No. 6,580,442) discloses a method and information processing device including a touch-responsive display for displaying a menu.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (571) 272-4073. The examiner can normally be reached on Mon-Thur and every other Fri 7:30 AM - 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thanh T. Vu  
Patent Examiner  
AU 2174, TC 2100